EXHIBIT 3

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4   --oOo--

5   WAYMO LLC,

6   Plaintiff,

                                        Case

7   vs.   No. 3:17-cv-00939-WHA

8   UBER TECHNOLOGIES, INC.;

     OTTOMOTTO LLC; OTTO TRUCKING LLC,

9

                     Defendants.

10   _____/

11

12   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13

14   VIDEOTAPED 30(b)(6) DEPOSITION OF GARY BROWN

15   VOLUME II

16   WEDNESDAY, SEPTEMBER 6, 2017

17

18

19

20   Reported by:

21   Anrae Wimberley

22   CSR No. 7778

23   Job No. 2693569

24

25   Pages 306 - 534

                                        Page 306

1	downloads, I'd say no.	19:17:26
2	BY MS. GOODMAN:	19:17:26
3	Q. If you look at the first page, 84551, you're	19:17:48
4	writing to Mr. Gorman on February 1 at 8:22 p.m.	19:17:52
5	Do you see this portion?	19:17:54
6	A. I do see that.	19:17:55
7	Q. And you're describing an anomaly in querying	19:18:11
8	logs.	19:18:12
9	Do you see that?	19:18:13
10	A. Yes.	19:18:14
11	Q. What did you mean when you said, "Flakiness	19:18:21
12	and errors in this kind of log diving is very common"?	19:18:27
13	A. Using the tool that we use to query logs of	19:18:35
14	this age sometimes encounter errors and often need to	19:18:45
15	be broken down into smaller chunks to prevent certain	19:18:50
16	kinds of errors. So it's possible that a subset for	19:19:00
17	this didn't . . .	19:19:12
18	(Witness reviews document.)	19:19:14
19	A. Oh, where was I? Oh, yes.	19:19:45
20	So it's possible that a subset chunk did not	19:19:49
21	complete on one of multiple runs. So as I said in the	19:19:55
22	first line, "For the same query run 3 times, two had	19:20:00
23	that" particular search. And this is why -- this is	19:20:03
24	one of the reasons why I will run things multiple	19:20:07
25	times, to make sure that my results match when things	19:20:10

Page 462

1	like this happen.	19:20:12
2	Q. How many times did you query the Moma logs to	19:20:20
3	make sure your results matched?	19:20:24
4	A. Here I acknowledge three. After this, in	19:20:29
5	preparation for my declaration, probably another two	19:20:33
6	or three times.	19:20:34
7	Q. And on the two or three times that you	19:20:37
8	queried the logs in preparation for your declaration,	19:20:42
9	did you get the same results?	19:20:44
10	A. Yes.	19:20:44
11	Q. And did those results include a search for	19:20:53
12	"chauffeur svn login" each time?	19:20:57
13	A. Yes.	19:20:57
14	Q. And did those results include a search for	19:21:00
15	"chauffeur svn eee setup" each time?	19:21:03
16	A. I believe so.	19:21:04
17	Q. Do you still operate on the assumption that	19:21:12
18	if you have results, they are authoritative?	19:21:15
19	MR. BAKER: Objection to form.	19:21:19
20	THE WITNESS: That depends. Yes, in the sense	19:21:23
21	that if something appears in one of your results and	19:21:27
22	doesn't appear in the other results, that is not an	19:21:30
23	indicator that it didn't happen; that's an indicator	19:21:33
24	that something happened.	19:21:34
25	In a transient absence of something, in some	19:21:39

Page 463

1	MS. GOODMAN: I'll finish asking questions about	19:35:19
2	this document.	19:35:19
3	MR. BAKER: As long as it's not going to be too	19:35:21
4	long.	19:35:22
5	MS. GOODMAN: Okay. We'll continue.	19:35:27
6	BY MS. GOODMAN:	19:35:27
7	Q. Mr. -- Kristinn writes, at the bottom of the	19:35:30
8	page, "Armada shows the timestamp information, but	19:35:32
9	clipper shows a different timestamp."	19:35:32
10	Do you see that?	19:35:34
11	A. I do see that.	19:35:36
12	Q. Do you recall what timestamp information he's	19:35:41
13	referring to?	19:35:42
14	A. Not specifically.	19:35:44
15	Q. And if you look at the next page, you write,	19:35:55
16	"I greatly distrust Armada."	19:35:57
17	Do you see that?	19:35:58
18	A. I do see that.	19:35:59
19	Q. Why do you greatly distrust Armada?	19:36:03
20	A. I am distrusting not Armada itself, but the	19:36:10
21	particular log entry that is populating that specific	19:36:16
22	field that he is referencing that appears to disagree	19:36:20
23	with Clipper. Clipper is, to my knowledge, the	19:36:26
24	canonical place where machine decryption escrow keys	19:36:34
25	go upon deployment and reimage.	19:36:37

Page 472

1	So Clipper is kind of my go-to. And I was	19:36:41
2	not sure at that time where specifically Armada was	19:36:47
3	getting its timestamp for that particular thing that	19:36:53
4	Kristinn is referencing. So I offhandedly said, "I	19:36:57
5	greatly distrust Armada." Again, it's not that I	19:37:01
6	distrust Armada; it's that particular log source and	19:37:04
7	only because it was disagreeing with what I understood	19:37:07
8	to be the canonical place for escrow keys to go.	19:37:13
9	Q. So your comment that you greatly distrust	19:37:17
10	Armada was an offhanded thing?	19:37:20
11	A. Yes.	19:37:20
12	Q. Has Armada disagreed with any other source of	19:37:25
13	data that you looked at in the course of your	19:37:30
14	investigation of Mr. Levandowski?	19:37:32
15	MR. BAKER: Objection to form.	19:37:35
16	THE WITNESS: I have not seen it disagree. I	19:37:40
17	cannot recall any other conflict in combining all the	19:37:45
18	other sources that we have. If anything, Armada	19:37:48
19	agrees on every other facet.	19:38:00
20	MS. GOODMAN: Okay. We can take a break.	19:38:02
21	THE VIDEOGRAPHER: Going off the record. The time	19:38:04
22	is 7:38 p.m.	19:38:06
23	(Dinner recess was taken at 7:38 p.m.)	19:38:07
24	(Nothing omitted or deleted. See next page.)	19:38:07
25		

Page 473